IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

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S.B. CIVIL WRIT PETITION NO.4456/2005

Mangi Lal

Versus

Rajasthan Rajya Vidhyut Prasaran Nigam Limited and ors.

Date of Order : 27.7.2005

PRESENT

HON'BLE MR. JUSTICE R.P. VYAS

Mr.S.K.M.Vyas, for the petitioner/s

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Heard at admission stage.

The instant petition has been filed by the petitioner with the prayer that the respondents be directed to grant benefit of one grade increment in terms of the provisions contained in Regulation 10(1)(a) of the Rajasthan State Electricity Board Employees (Emoluments) Regulations, 1978 (hereinafter referred to as the Regulations of 1978).

The main grievance of the petitioner, in the instant petition, is that the petitioner is entitled to get one grade increment on 1.4.1974 and under the Table No.1, Scale

No.3 and Schedule No.2, he is also entitled to the benefit of jump of Rs.30 in conformity with the provisions of Regulations of 1978.

It has been averred by the petitioner that as per provisions of Regulation 10(1)(a) of the Regulations, the petitioner is entitled to get one grade increment as he has completed continuous service of 3 years or more, but less than 6 years on the post held on 1.4.1974.

It has also been averred by the petitioner that controversy regarding grant of advance grade increment and benefit of jump under the Regulations is no more res-integra and stands decided by this Court in the case of S.B.CWP No.1560/99 – Bhola Ram V/s RSEB and the observations made by this Court have been affirmed by the Division Bench as well as by the Hon'ble Supreme Court.

Further case of the petitioner is that the petitioner has submitted number of representations, but to no avail.

The learned counsel for the petitioner also submits that in similar writ petition No. 3772/2005 (Asha Ram V/s The Chairman – cum – Managing Director) this court has

directed the petitioner to file a fresh representation and the respondents have been directed to decide the same in light of the observations made by this Court in the case of Bhola Ram (supra).

In the instant case, the petitioner has made a number of representations, but his grievance has not been redressed so far, nor any speaking order has been passed.

During the course of arguments, it has been requested by the learned counsel for the petitioner that looking to the facts and circumstances of the instant case, the respondent No.1 be directed to consider the representation of the petitioner in light of the observations made by this Court in the case of Bhola Ram and affirmed by the Hon'ble Supreme Court as well as in light of provisions of Regulation 10(1)(a) of the Regulations. Since the request of the petitioner is only for consideration of the representation, therefore, the instant petition is disposed of, at this stage, by giving a direction to the respondent No.1 to consider the representation of the petitioner in accordance with law only.

Thus, this writ petition filed by the petitioner is

disposed of in the manner that the petitioner is directed to file a fresh representation within a period of 15 days from today and the respondent No.1 shall consider and decide the same either way in accordance with law in light of the observations made by this Court in the case of Bhola Ram and affirmed by the Hon'ble Supreme Court as well as in light of provisions of Regulation 10(1)(a) of the Regulations, within a period of one month. If it is found that the petitioner is entitled for any relief in accordance with law, then the same may be given to the petitioner within a period of one month and if the petitioner is not found entitled to the relief sought for, then a reasoned and speaking order, strictly in accordance with law, may be passed.

(R.P.VYAS)J.

Rm/-